

REMARKS

Applicants would like to thank Examiner O'Hern for the analysis contained in the Examination Report dated **May 1, 2008**.

Claim Rejection Under 35 U.S.C. § 112

Applicants have removed the word "unitary" in response to the Examiner's objections. The word is viewed as being redundant and was only added in order to address concerns the Examiner raised in the first Office Action. Should this matter proceed to appeal, applicants will rely upon the ordinary meaning of the word.

The Concise Oxford Dictionary defines "slab" as being "a flat broad fairly thick usually square or rectangular piece of solid material, especially stone."

Claim Rejection Under 35 U.S.C. § 103

Claims 1 – 10 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rue (U.S. Patent No. 6,048,129). Applicants respectfully traverse this objection.

The Rubber Access Mat that applicants disclose is a rubber slab that has a reinforcing grid of wires that provide sufficient rigidity while retaining sufficient flexibility to conform to uneven terrain.

Applicants respectfully repeat the position taken in response to the first Office Action, that the Rue reference:

1. Does not disclose a "slab" – a "slab" being a "flat broad fairly thick usually square or rectangular piece of solid material." The Rue reference discloses numerous tire sections compressed together on pointed tie rods which function as skewers. It appears to be the Examiner's position that pieces of rubber tires, when compressed and held within a frame become a "slab." If this position is correct, one can skewer and compress individual bits of virtually any object (animal, vegetable or mineral) and create a slab. It also opens the possibility of creating non-homogeneous slabs by mixing bits of material from the various categories. It also raises questions as to what degree it must be compressed to become a slab or whether it needs to be compressed at all.

2. Does not disclose a “grid of reinforcing wire” – a “grid” being a framework of spaced parallel bars. The Rue reference discloses pointed tie rods that only run in one direction, there not being a like set of tie rods that run perpendicular to form a framework. The tires are compressed between plates 20. If a “slab” is created between the plates, it only had tie rods 16 running in one direction.

3. Does not disclose “wires” – a “wire” being a metal drawn out into the form of a thread or thin flexible rod. The Rue reference discloses pointed tie rods of such rigidity and strength as to be able to penetrate tires as the tires are compressed between plates 20. The plates in question are described as being eight to ten inches in width. It is respectfully submitted that neither the tie rods nor the plates are “wires.” This position is further supported by the fact that the tires are compressed between stabilizing members 14 by connecting succeeding stabilizing members by means of nuts 17, which is secured using nuts 17 threaded onto the tie rods 16.

4. Does not disclose a grid structure that is “embedded” – “embedded” being “fix firmly in a surrounding mass.” The basic structure taught by the Rue reference is a “sandwich” structure in which portions of rubber tires are sandwiched between plates 20. Any version beyond that is merely a multiple of the base structure. While it can be understood why the Examiner would take the position that tie rods 16 are embedded in the tires, it is respectfully submitted that plates 20 merely confine the rubber tires and are not embedded in the rubber tires.

5. Does not disclose a structure that is “flexible” and conforms to uneven terrain. The Rue reference with plates that are eight to ten inches in width and tie rods 16 thick enough to pierce tires and thick enough to be threaded to retain nuts, is not “flexible” and will not conform to uneven terrain.

The Examiner states that applicants have not disclosed any criticality as to any particular geometric dimension of the wire. Applicants must respectfully disagree. Applicants took over two pages to discuss the gauge of wire and the use in conforming to uneven terrain. This discussion with specific examples is provided commencing on page 3 and continuing to the end of the description on page 5. The prior art that was criticized in the analysis are mats of rigid wood frame construction. It is respectfully submitted that the teaching of Rue reference results in rubber tires fixed by tie rods 16 within a rigid frame defined by plates 20.

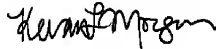
The Examiner has referred to stabilizer member 14 as being a “wire” and as being of a “different gauge” from tie rod 16. It is respectfully submitted that stabilizer member 14 and plates 20 are not wires and the use of the term “gauge” with respect to them is inappropriate.

CONCLUSION

In view of the foregoing amendments, it is respectfully submitted that the present application is now in a condition for allowance. Applicants, therefore, request the early issue of a Notice of Allowance.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PC}



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

KLM:jlb

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100